

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
04-CR-237A

CARMALLA ARRINGTON,

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(A). On December 30, 2004, defendant filed a motion to suppress evidence and a motion to strike sentencing allegations. On September 19, 2005, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to suppress evidence be denied and that defendant's motion to strike the sentencing allegations contained in the indictment be granted.

Defendant filed objections to the Report and Recommendation on October 17, 2005. Oral argument on the objections was held on December 21, 2005.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which

objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to suppress evidence is denied and defendant's motion to strike the sentencing allegations contained in the indictment is granted.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: January 20, 2006